

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHARON MCENTEE,)
)
Plaintiff,)
)
vs.)
)
NCO FINANCIAL SYSTEMS, INC.,)
)
)
Defendant.)

COMPLAINT

INTRODUCTION

1. Plaintiff Sharon McEntee brings this action to secure redress from unlawful credit and collection practices engaged in by defendant NCO Financial Systems, Inc. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”), and the Illinois Collection Agency Act, 225 ILCS 425/1 et seq. (“ICAA”).

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

3. The ICAA reflects a determination that “The practice as a collection agency by any entity in the State of Illinois is hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the collection agency profession merit and receive the confidence of the public and that only qualified entities be permitted to practice as a collection agency in the State of Illinois. This Act shall be liberally construed to carry out these objects and purposes. . . . It is further declared to be the public policy of this State to protect consumers against debt collection abuse.” 225 ILCS 425/1a.

VENUE AND JURISDICTION

4. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA) and 28 U.S.C. §§1331, 1337 and 1367,

5. Venue and personal jurisdiction in this District are proper because:

- a. Defendant's collection communications were received by plaintiff within this District;
- b. Defendant does business within this District.

PARTIES

6. Plaintiff Sharon McEntee is an individual who resides in the Northern District of Illinois.

7. Defendant NCO Financial Systems, Inc. is a Pennsylvania corporation with offices at 507 Prudential Road, Horsham, Pennsylvania 19044. Its registered agent and office are CT Corporation System, 208 S. LaSalle St, Suite 814, Chicago, Illinois, 60604.

8. NCO Financial Systems, Inc. does business in Illinois, and is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

9. NCO Financial Systems, Inc. is a debt collector under the FDCPA and a licensee under the ICAA.

FACTS

10. Defendant has been attempting to collect from plaintiff alleged credit card debts incurred for personal, family or household purposes and not for business purposes.

11. During January-February 2010, a representative of defendant telephoned the home of plaintiff's brother-in-law on at least two occasions, leaving messages. When the calls were returned by the wife of plaintiff's brother-in-law, defendant's representative informed that plaintiff had 2 collection accounts with NCO, and asked her to have plaintiff call NCO. The caller stated that "some people . . . **just don't do the right thing.**"

12. Plaintiff was embarrassed and harassed by this disclosure.

COUNT I – FDCPA

13. Plaintiff incorporates paragraphs 1-12.

14. Defendant's communications with the wife of plaintiff's brother-in-law violated 15 U.S.C. §1692c.

15. Section 1692c provides:

**§ 1692c. Communication in connection with debt collection
[Section 805 of P.L.]**

... (b) Communication with third parties--Except as provided in section 1692b of this title, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy, a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector. . . .

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant:

- (1) Statutory damages;
- (2) Actual damages;
- (3) Attorney's fees, litigation expenses and costs of suit;
- (4) Such other and further relief as the Court deems proper.

COUNT II – ILLINOIS COLLECTION AGENCY ACT

16. Plaintiff incorporates paragraphs 1-12.

17. Defendant violated the following provisions of 225 ILCS 425/9:

... (17) Disclosing or threatening to disclose information relating to a debtor's indebtedness to any other person except where such other person has a legitimate business need for the information or except where such disclosure is regulated by law. . . .

18. Defendant violated the following provisions of 225 ILCS 425/9.2:

225 ILCS 425/9.2. (Effective January 1, 2008) Communication in connection

with debt collection

... (b) Except as provided in Section 9.1 of this Act [225-425/9.1], without the prior consent of the debtor given directly to the debt collector or collection agency or the express permission of a court of competent jurisdiction or as reasonably necessary to effectuate a post judgment judicial remedy, a debt collector or collection agency may not communicate, in connection with the collection of any debt, with any person other than the debtor, the debtor's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the collection agency.

...

19. A private right of action exists for violation of the ICAA. Sherman v.

Field Clinic, 74 Ill. App. 3d 21, 392 N.E.2d 154 (1st Dist. 1979).

WHEREFORE, plaintiff requests that the Court grant the following relief in favor of plaintiff and against defendant:

- (1) Compensatory and punitive damages;
- (2) Costs.
- (3) Such other and further relief as is appropriate.

/s/ Daniel A. Edelman
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NOTICE OF LIEN AND ASSIGNMENT

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

/s/ Daniel A. Edelman
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